



**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING AGENDA**

DATE: Thursday, December 11, 2014

TIME: Meeting to begin at 5 p.m.

PLACE: Council Chambers, 1777 Broadway

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE GIVEN BY THE CITY OF BOULDER, BOARD OF ZONING ADJUSTMENT, AT THE TIME AND PLACE SPECIFIED ABOVE. ALL PERSONS, IN FAVOR OF OR OPPOSED TO OR IN ANY MANNER INTERESTED IN ANY OF THE FOLLOWING VARIANCES FROM THE LAND USE REGULATIONS, TITLE 9, BOULDER REVISED CODE 1981; MAY ATTEND SUCH HEARING AND BE HEARD IF THEY SO DESIRE. (APPLICANT OR REPRESENTATIVE MUST APPEAR AT THE MEETING.)

1. CALL TO ORDER

2. BOARD HEARINGS

Docket No.: BOZ2014-00016

Address: 735 Mapleton Avenue

Applicant: Marybeth Emerson

Setback Variance: As part of a proposal for an rear addition to an existing single family residence, the applicant is requesting a variance to the combined side yard setback requirements of the RL-1 zoning district. The resulting east side yard setback will be approximately 5.79 feet where 12.5 is required and 2.4 feet exists today. The resulting west side yard setback will be approximately 12.55 feet where 12.6 feet is required and 2.5 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Docket No.: BOZ2014-00017

Address: 603 North Street

Applicant: Richard Roosen

Setback Variance: As part of a proposal to modify an existing single family residence, including raising portions of both the first and second floor roof as well as enclosing a small exposed area on the back side of the house, the applicant is requesting a variance to the front, side and combined side yard setback requirements of the RMX-1 zoning district. The resulting front (south) yard setback will be approximately 12 feet where 25 feet is required and 12 feet exists today. The resulting east side yard setback will be approximately 5.19 feet where 14.5 feet is required and 5.19 feet exists today. The resulting west side yard setback will be approximately ½ a foot where 9.81 feet is required and ½ a foot exists today. Additionally, as a part of the overall project the front entry porch will be widened and roof changed from flat to pitched. The resulting front setback for the covered porch will be 7 feet where 12.5 feet is required and 7 feet exists today. Sections of the Land Use Code to be modified: Sections 9-7-1 & 9-7-4, BRC 1981.

3. GENERAL DISCUSSION

A. Approval of Minutes: The [September 11, 2014 BOZA minutes](#) are scheduled for approval.

B. Matters from the Board

C. Matters from the City Attorney

D. Matters from Planning and Development Services

4. ADJOURNMENT

**CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
MEETING GUIDELINES**

CALL TO ORDER

The board must have a quorum (three members present) before the meeting can be called to order.

AGENDA

The board may rearrange the order of the agenda or delete items for good cause. The board may not add items requiring public notice.

ACTION ITEMS

An action item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- Staff presentation.*
- Applicant presentation.* Any exhibits introduced into the record at this time must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation.*

- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record. When possible, these documents should be submitted in advance so staff and the board can review them before the meeting.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of seven to the Board Secretary for distribution to the board and admission into the record.
- Citizens can send a letter to Planning and Development Services staff at 1739 Broadway, Boulder, CO 80302, two weeks before the board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the board meeting.

3. Board Action

- Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- Board discussion. This is undertaken entirely by members of the board. The applicant, members of the public or city staff participate only if called upon by the Chairperson.
- Board action (the vote). An affirmative vote of at least three members of the board is required to pass a motion approving any action. If the vote taken results in a tie, a vote of two to two, two to one, or one to two, the applicant shall be automatically allowed a rehearing. A tie vote on any subsequent motion to approve or deny shall result in defeat of the motion and denial of the application.

MATTERS FROM THE BOARD, CITY STAFF, AND CITY ATTORNEY

Any board member, Planning and Development Services staff, or the City Attorney may introduce before the board matters, which are not included in the formal agenda.

*The Chairperson, subject to the board approval, may place a reasonable time limitation on presentations.



City of Boulder Planning and Development Services
1739 Broadway, third floor • PO Box 791 • Boulder, CO 80306
Phone: 303-441-1880 • Fax: 303-441-3241 • Web: boulderplandevlop.net

BOZA VARIANCE APPLICATION

APPLICATION DEADLINE IS 4:00 P.M. ON THE THIRD WEDNESDAY OF EACH MONTH.
MEETING DATE IS 5:00 P.M. ON THE SECOND THURSDAY OF THE FOLLOWING MONTH.

Submittal of inaccurate or incomplete information will result in rejection of the application.

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 735 MAPLETON
- Legal Description: Lot 42, 43 Block 3 Subdivision MAPLETON SUB. (Or attach description.)
- Existing Use of Property: SINGLE FAMILY RESIDENCE
- Description of proposal:
SETBACK VARIANCE FOR BOTH COMBINED SIDE YARD SETBACKS
BASED ON EXISTING SETBACKS OF HISTORIC HOUSE.

*Total floor area of existing building: <u>1894</u>	*Total floor area proposed: <u>753</u>
*Building coverage existing: <u>1515</u>	*Building coverage proposed: <u>2268</u>
*Building height existing: <u>26'</u>	*Building height proposed: <u>23'</u>

*See definitions in Section 9-16-1, B.R.C. 1981.

- Name of Owner: MARYBETH EMERSON
- Address: 535 MAPLETON Telephone: _____
- City: BOULDER State: CO Zip Code: 80302 FAX: _____
- Name of Contact (if other than owner): DAVID WAUGH
- Address: P.O. BOX 498 Telephone: 720-494-7602
- City: NIWOT State: CO Zip Code: 80544 FAX: _____

STAFF USE ONLY

Doc. No. _____ Date Filed 11.19.14 Zone RL-1 Hearing Date _____
 Application received by: DA Date Fee Paid 11.19.14 Misc. Rect # _____

BOZ2014-00016

APPLICATION TYPES

- Setback, building separation, bulk plane, building coverage, porch setback and size, and side yard wall articulation
- Sign Variance
- Mobile Home Spacing Variance
- Size and parking setback requirements for accessory units
- Use of mobile homes for non-residential purposes
- Parking in landscaped front yard setback

APPLICATION REQUIREMENTS

As a minimum, the following items **MUST** be attached and hereby made a part of this application:

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**4 copies**);
- A site development plan including building heights, setbacks, and proposed floor area (**4 copies**);
- A demolition plan differentiating between proposed and remaining portions of the structure (**4 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**4 copies**);
- Any other information pertinent to the request (**4 copies**);
- An application fee (as prescribed in Section 4-20-43, B.R.C. 1981);
- Sign Posting Acknowledgement Form - see last page.

-Electronic files of all documents are greatly appreciated. If available, please submit them on a CD or thumb drive with your application.

NOTE: The applicant is responsible for posting the property in compliance with city requirements. Signs will be provided to the applicant at the time of submission of the application. The applicant will submit a posting affidavit within 10 days of the date of application. Failure to submit the affidavit may result in the postponement of the hearing date.

NOTE: SEE SECTION 9-2-3(l), B.R.C. 1981 FOR VARIANCE EXPIRATION INFORMATION

Applicant / Owner Signature David Wayt Date 11-18-14

**SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM**

Required for Certain Land Use Review, Administrative Review, and Technical Document Review Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS -

Excerpt of Section 9-4-3(c), B.R.C. 1981: Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be placed on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, DAVID WAUGH, am filing a Land Use Review or Technical Document Review
(PRINT NAME OF APPLICANT OR CONTACT PERSON)
application [on behalf of the property owner(s)] MARYBETH EMERSON for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)
at 735 MAPLETON I have read the city's sign posting requirements above and acknowledge and
(PRINT PROPERTY ADDRESS OR LOCATION)
agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.
2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

David Waugh
NAME OF APPLICANT OR CONTACT PERSON

11-18-14
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

waugh & associates

architecture ◦ planning ◦ solar design

November 18, 2014

Planning and Development Services
City of Boulder
P.O. Box 791
Boulder, CO 80306-0791

RE: BOZA Variance Application
735 Mapleton
Marybeth Emerson

This application is being made to request a setback variance for both side yards of the above named project located at 735 Mapleton Ave. The home is a historic residence in the Mapleton Hill Historic District. The setback on one side yard is 2.4 feet while the setback on the other side is 2.5 feet. The owner is proposing to construct a one story addition at the rear of the property that is 11 feet from the property line on one side and 5'-9" from the property line on the other side, thus meeting the setback criteria for the new construction, but not the combined setback requirements for new and old combined. There will be no additional encroachment into either existing setback, just that which has historically encroached on both side yard setbacks.

The combined setback variance is necessitated due to the existing setbacks that do not meet the required setbacks for the RL-1 zoning district. Where the requirement is for a combined setback of 15 feet, this property is 2.4 feet on one side, and 2.5 feet on the other side, for a combined setback of 4'-10". Because of the encroachment on both sides, in order to meet the combined total on both sides, we would need to provide a new setback on one side of 12'-6 inches and 12'-7 inches on the other side, for a total of 25'-1", where the standard setback is 15 feet. We feel that this is an undue hardship that was created by the original historic home, which we are not allowed to alter. The site is further complicated by a sunken attached garage on the rear of the property that is also historic and must be preserved.

The lot is a standard lot that is 50 feet wide, but was built with a very broad frontage.

CRITERIA FOR VARIANCES

Our request for a variance is based on criteria paragraphs (1) (4) and (5) ;

(1) Physical Conditions or Disability

(A) This property has an unusual circumstance, which is the width of the existing home being over 45 feet wide. Although the lot is fifty feet wide, with the existing side yard setback of 2'-5" on one side, and the existing setback on the other side of 2'-6", meeting standard setbacks would require 25 feet on the new addition instead of a standard 15 feet. We are currently proposing a total setback of 16'-9" .

(B) The unusual width of the home is not common throughout the neighborhood. where the standard lots in this zoning district are a minimum of 50 feet. It is apparent that the house predated standard setbacks. and the 2 ½ foot setbacks always existed .

(C) Because of the width of the historic house, the property cannot reasonably be developed in conformity with the provisions of the zoning code. This request does not change either of the existing setbacks, just an alteration of the combined total setback. Although the legal buildable envelope would dictate a 15 foot combined setback, the new combined setback required would be 25 feet which seems excessive,. Being a historic home, we are obligated to maintain the existing walls, and are proposing a combined new construction setback total of 16' 9" while working around the existing historic garage. Thus necessitating the setback variance.

(D) The unnecessary hardship was not created by the applicant, as the widely constructed house with it's minimal setbacks, were established previous to the applicant's purchase of the property. The applicant has worked diligently with the Landmarks Board in trying to preserve the character of the historic home.

(4) Designated Historic Property

The property could be reasonably developed in conformity with the provisions of the zoning code, but the building is designated a contributing building in a historic district, and to meet existing setbacks on the lot would have an adverse impact on the historic character of the house and the Mapleton Historic District.

(5) Requirements for All Variance Approvals

(A) This addition to the rear of the house would not alter the essential character of the neighborhood. This neighborhood consists of some moderately sized, quaint homes, such as this one, as well as many very large mansions. This home is actually quite small in relation to most of the surrounding houses.

(B) This addition would not substantially or permanently impair the reasonable use and enjoyment of adjacent property. This addition would meet current setbacks for both newly constructed side walls, while protecting the historic aspect of this home and the surrounding homes allowing for better use and enjoyment for both the applicants and neighbors.

(C) This would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this variance. This project meets all of the aspects of the new compatible development guidelines, since the building coverage footprint is met, and the proposed addition does not exceed the FAR ratio based on the lot/house size, and it meets the bulk plane standard.

(D) This addition would not conflict with the provisions of Section 9-9-17, "Solar Access". The proposed addition will not cast a shadow beyond what is allowed for a twelve foot solar fence in the RL-1 zoning.

In conclusion, the applicant is asking for a very minimal setback variation, that has abnormally narrow setbacks. The size of the proposed addition is very compatible with the existing residence, and will maintain the "small home" character of the Mapleton Avenue Historic neighborhood. We respectfully ask for this variance approval.

11.19.14

To Whom It May Concern,

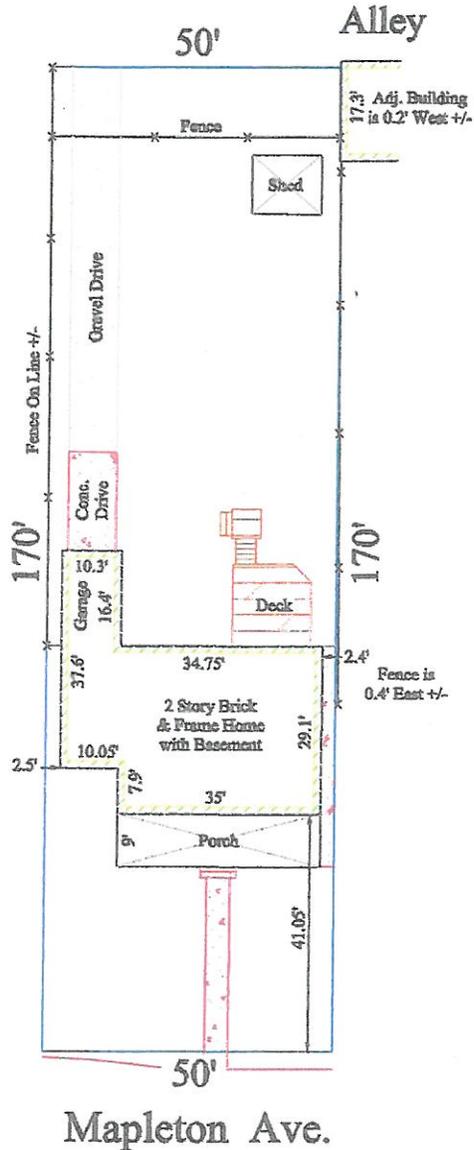
I hereby give my permission for
him to Apply for a variance for
735 Mapleton Avenue.

Please feel free to call me
with any questions.

Thanks!

Marybeth Emerson

Marybeth Emerson



I hereby certify that this improvement location certificate was prepared for: **Wagh and Associates (Emerson)**

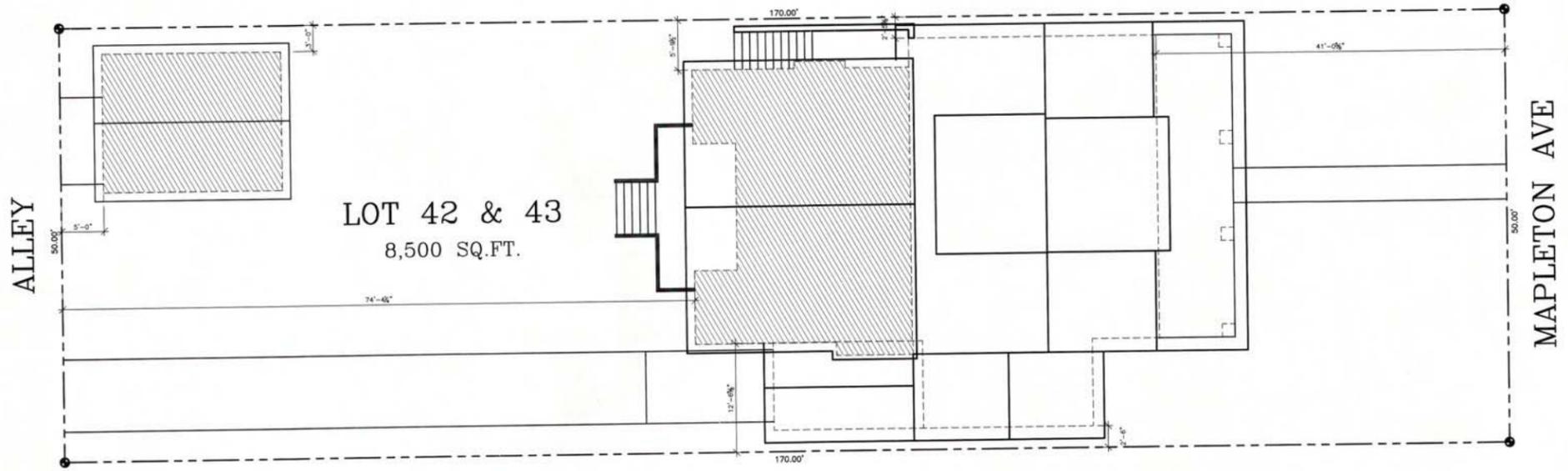
THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, and that it is not to be relied upon for the establishment of fence, bulding, or other future improvement lines. I further certify that the improvements on the above shown parcel on this date, 6/11/2014 except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

LEGAL DESCRIPTION:

**Lots 42 & 43, Block 3, Mapleton Subdivision,
 County of Boulder, State of Colorado.**

Address: 735 Mapleton Ave., Boulder
 Job No. :14-6-47-1660
 Scale : 1"=30'
 Easement Source: Recorded Subdivision Plat

Andrew J. Patterson
 26971
 COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR
 Date: 6-11-14



LEGAL

ADDRESS - 735 MAPLETON AVE.
 LOT 42 & 43, BLOCK 3
 MAPLETON SUBDIVISION
 CITY OF BOULDER
 COUNTY OF BOULDER
 STATE OF COLORADO

REVISIONS:
 DRAWN BY: T. WALGH

SITE PLAN
 SCALE: 1/8"=1'-0"

PRIVATE RESIDENCE FOR REMODEL
 BOULDER, COLORADO
 735 MAPLETON AVE.
waugh & associates
 architecture • planning • solar design
 po box 488 • niwot, colorado • 80544 • 720-494-7602
 www.waughandassociates.net
 info@waughworld.com

SHEET NO.: **A0** DATE: 23 SEPT. 2014

SITE PLAN



LEGEND	
EXISTING WALL TO REMAIN	—
EXISTING WALL TO BE DEMOLISHED	- - -
NEW WALL CONSTRUCTION	—

③ - SMOKE AND CARBON MONOXIDE DETECTORS

SQUARE FOOTAGE SUMMARY

EXISTING MAIN	1209 SQFT.
EXISTING UPPER	685 SQFT.
TOTAL	1894 SQFT.
NEW MAIN	753 SQFT.
NEW LOWER	734 SQFT.
TOTAL	1487 SQFT.
EXISTING	1894 SQFT.
NEW	1487 SQFT.
TOTAL	3381 SQFT.
GARAGE	336 SQFT.

REVISIONS:

DRAWN BY: T. WALKER

MAIN LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"

PRIVATE RESIDENCE FOR REMODEL
BOULDER, COLORADO

735 MAPLETON AVE.

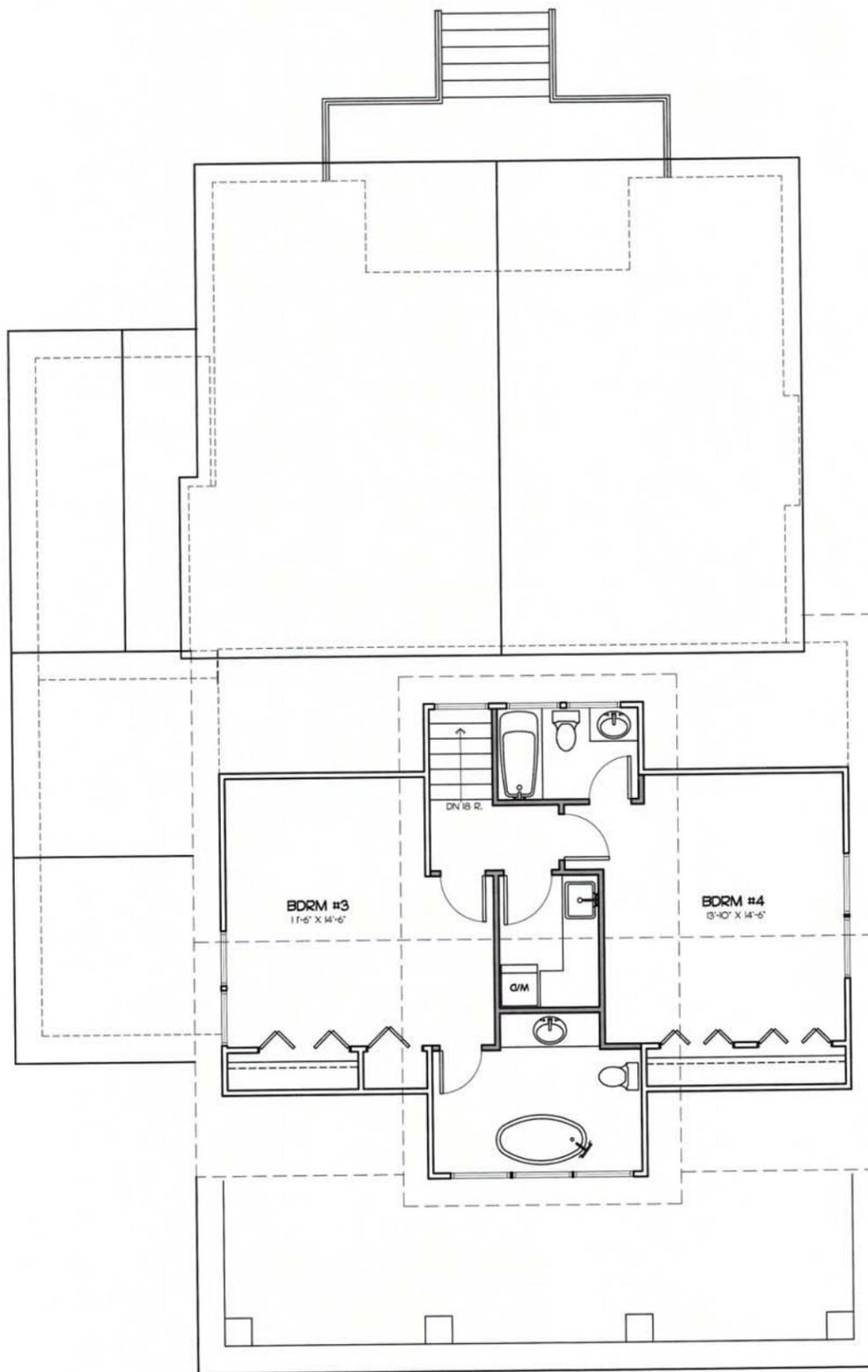
waugh & associates
architecture • planning • solar design

po box 498 • almont, colorado • 80544 • 720-494-7802

e-mail info@waughworld.com www.waughandassociates.net

SHEET NO.: **A2** DATE: 23 SEPT. 2014

MAIN LEVEL FLOOR PLAN



LEGEND	
EXISTING WALL TO REMAIN	—
EXISTING WALL TO BE DEMOLISHED	- - -
NEW WALL CONSTRUCTION	—

Ⓢ - SMOKE AND CARBON MONOXIDE DETECTORS

SQUARE FOOTAGE SUMMARY

EXISTING MAIN	1209 SQFT.
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TOTAL	3381 SQFT.
GARAGE	336 SQFT.

REVISIONS:

DRAWN BY: T. WALGH

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 info@waughworld.com

SHEET NO.: **A3** DATE: 23 SEPT. 2014

UPPER LEVEL FLOOR PLAN

UPPER LEVEL FLOOR PLAN
 SCALE: 1/4"=1'-0"



SOUTH ELEVATION
SCALE : 1/4"=1'-0"



EAST ELEVATION
SCALE : 1/4"=1'-0"

REVISIONS:

DRAWN BY: T. WALUGH

PRIVATE RESIDENCE FOR REMODEL
735 MAPLETON AVE.
BOULDER, COLORADO

waugh & associates
architecture • planning • solar design

e-mail info@waughworld.com www.waughandassociates.net
po box 488 • st. wpt, colorado • 80544 • 720-494-7602

SHEET NO.: A4 DATE: 23 SEPT. 2014

ELEVATIONS



WEST ELEVATION
SCALE : 1/4"=1'-0"



NORTH ELEVATION
SCALE : 1/4"=1'-0"

REVISIONS:

DRAWN BY: T. WALGH

PRIVATE RESIDENCE FOR REMODEL
735 MAPLETON AVE.
BOULDER, COLORADO

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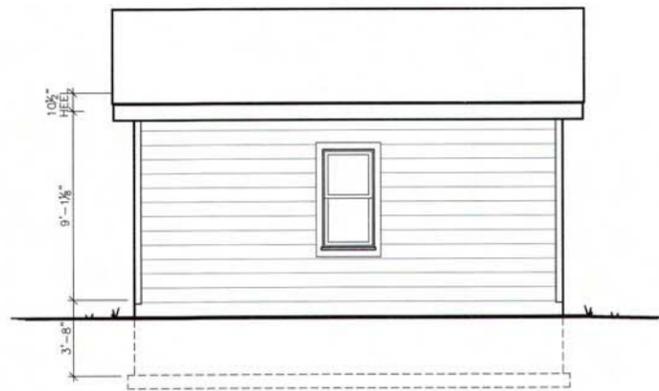
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SHEET NO.: A5 DATE: 23 SEPT. 2014

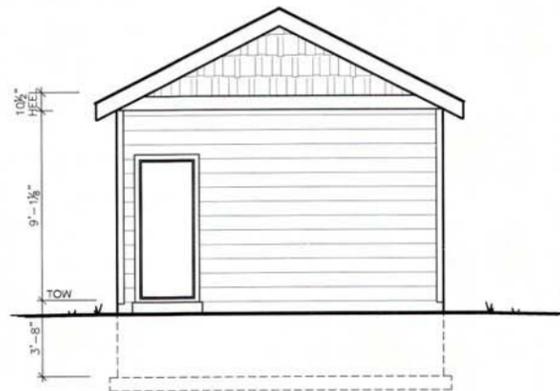
ELEVATIONS



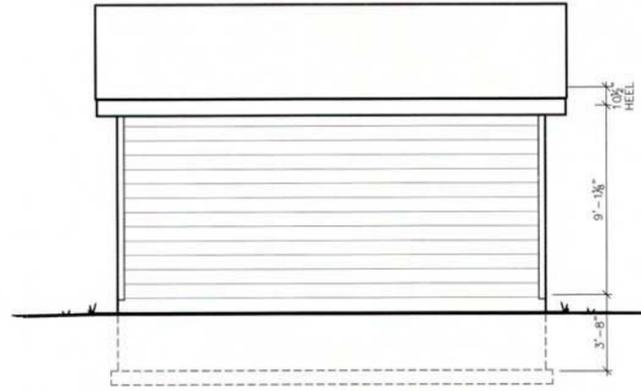
○ WEST ELEVATION
SCALE : 1/4"=1'-0"



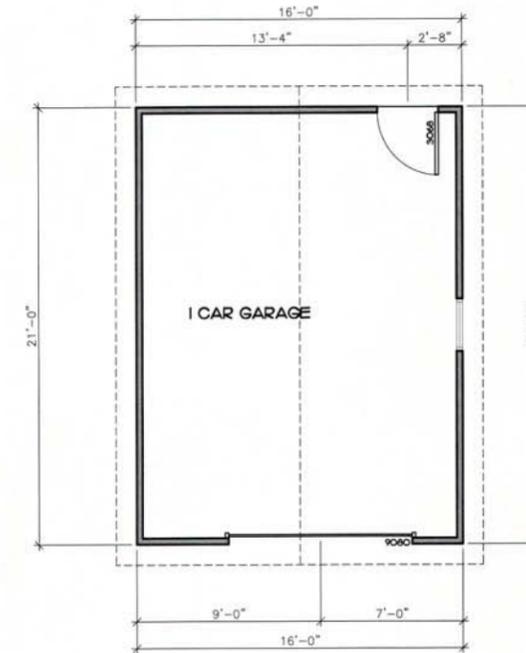
○ NORTH ELEVATION
SCALE : 1/4"=1'-0"



○ SOUTH ELEVATION
SCALE : 1/4"=1'-0"



○ EAST ELEVATION
SCALE : 1/4"=1'-0"



○ FLOOR PLAN
SCALE : 1/4"=1'-0"

REVISIONS:

DRAWN BY: T. WAUGH

PRIVATE RESIDENCE FOR REMODEL
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SHEET NO.: DATE:
A 23 SEPT. 2014

GARAGE
ELEVATIONS



BOZA VARIANCE APPLICATION

**APPLICATION DEADLINE IS 4:00 P.M. ON THE THIRD WEDNESDAY OF EACH MONTH.
 MEETING DATE IS 5:00 P.M. ON THE SECOND THURSDAY OF THE FOLLOWING MONTH.**

Submittal of inaccurate or incomplete information will result in rejection of the application.

GENERAL DATA

(To be completed by the applicant.)

- Street Address or General Location of Property: 603 NORTH ST BOULDER CO 80304
- Legal Description: Lot 29 Block 2 Subdivision NEIKIRK-STEWART ADDITION (Or attach description.)
- Existing Use of Property: SINGLE FAMILY HOME
- Description of proposal: _____

APPLYING FOR A VARIANCE TO EXTEND THE EXISTING ATTIC ROOF ON THE FRONT OF THE HOUSE TO CREATE A USUABLE BEDROOM AND BATH, RAISE THE ROOF OVER AN EXISTING ROOM, ENCLOSE A SMALL AREA ON THE BACK OF THE HOUSE, & REBUILD THE ENTRY ROOF STRUCTURE.

*Total floor area of existing building: 1374 SF	*Total floor area proposed: 1682 SF
*Building coverage existing: 1070 SF	*Building coverage proposed: 1116 SF
*Building height existing: 21'	*Building height proposed: 24'-7"

*See definitions in Section 9-16-1, B.R.C. 1981.

- ◆ **Name of Owner:** RICHARD ROOSEN
- Address: 603 NORTH ST Telephone: (303) 579-5102
- City: BOULDER State: CO Zip Code: 80304 FAX: _____
- ◆ **Name of Contact (if other than owner):** BRENDAN KENNEDY (ARCHITECT)
- Address: 4742 W 102ND AVE Telephone: (720) 323-8376
- City: WESTMINSTER State: CO Zip Code: 80031 FAX: _____

STAFF USE ONLY

Doc. No. _____ Date Filed _____ Zone _____ Hearing Date _____
 Application received by: _____ Date Fee Paid _____ Misc. Rect # _____

APPLICATION TYPES

- Setback Variance
- Sign Variance
- Mobile Home Spacing Variance

APPLICATION REQUIREMENTS

As a minimum, the following items **MUST** be attached and hereby made a part of this application:

- If applicant is other than owner, the written consent of the owners of the property for which the variance is requested;
- An Improvement Location Certificate or Site Improvement Survey and legal description by a registered surveyor (**11 copies**);
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- A demolition plan differentiating between proposed and remaining portions of the structure (**11 copies**);
- A written statement thoroughly addressing the criteria for approval - see following pages (**11 copies**);
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NOTE: The applicant is responsible for posting the property in compliance with city requirements. Signs will be provided to the applicant at the time of submission of the application. The applicant will submit a posting affidavit within 10 days of the date of application. Failure to submit the affidavit may result in the postponement of the hearing date.

NOTE: SEE SECTION 9-2-3(I), B.R.C. 1981 FOR VARIANCE EXPIRATION INFORMATION

Applicant / Owner Signature  Date 11/18/14

To whom it may concern,

We are applying for a setback variance due to the restrictive nature of the non-conforming lot size and dimension of 603 North St. The proposed projects are listed below, and meet all of the City of Boulder building criteria, but are restrained by the side and front property line setbacks.

There are several individual components to this Setback Variance Request.

1. We would like to essentially raise the existing attic roof plane vertically 5'-8" to make the space habitable per building code, to create a legal second bedroom and bathroom for the house. This adds 290 sf to the total floor area, but we are not expanding on the footprint of the main level exterior walls below, simply extending upward. The front property line is currently 12' south of the front of the house, but the distance to the closest front sidewalk next to the street is 35', so technically the landscaping setback of 25' is being met, but the actual front property line setback of 25' is not being met. This is due to the strange shape of the lot in relation to the street.
2. We would like to essentially raise the existing eastern lower roof plane vertically 1'-7". This room would normally be used as a bedroom, but it doesn't meet current code for egress, ceiling height, nor does it have a closet. Raising the ceiling would help to meet code for height but also allow taller windows / doors to achieve egress. This does not add to the total floor area, and we are not expanding on the footprint of the main level exterior walls below, simply extending upward.
3. The existing entry roof over the front door has a flat roof, is rotting & falling apart, and will not aesthetically fit with the proposed raising of the upper roof. We are hoping to rebuild this in the same location, just taller and slightly wider (by 2').
4. There is a small corner of the house on the back side (north west corner) which has exposed plumbing from the existing upstairs bathroom. We would like to enclose this and provide a heat source to prevent the pipes from freezing, which now happens during the winter months.

The hardships that this site presents are as follows. The City of Boulder minimum lot size (area) required in the RMX-1 zone is 6,000 sf, and this lot only has 3,840 sf. As seen in the satellite image of the neighborhood, taken from the County Assessors website, there are a few non-conforming lots, but the majority of lots are a minimum of 50' wide (which typically provides the minimum 6,000 sf area), while this lot is only 32' wide. Due to the extreme narrowness of the lot, the required combined side yard setbacks of 15' (based on the existing loc of the house) do not allow for any reasonable improvements to be made, as our buildable envelope is only 7'-2" wide. If the lot size were the standard 50', any permitted improvement would be allowed by right as dictated by the City of Boulder land use code.

We are asking for a variance to the side yard setbacks, so that the setback on the East

side of the house would be 5'-4", and the side yard setback on the West side of the house would be 2'-0". We are asking for a variance to the front yard setback so that it would be 12' from the property line. The required 25' landscaping setback is already being met. These setbacks are in the same location as the current location of the existing main level walls at the front of the house. See the attached images / drawings showing a graphic description of this.

The property line setbacks are really the only restriction. We do not exceed the max floor area or max building coverage, and are still well below the maximum building height of 27.8 ft, and the 25' solar fence and side yard bulk plane is not encroached upon.

We feel that these requests are very practical in nature, and do not modify the footprint of the existing house, with the exception of enclosing the area with the exposed plumbing, which does increase the footprint by 18 sf. These improvements are not out of character with the existing house, nor are they out of proportion with other houses in the neighborhood.

Thank you for your understanding and consideration of this matter,

Sincerely,

Richard Roosen (Owner)

11/18/2014

and Brendan Kennedy (Architect)

A handwritten signature in black ink, appearing to read 'Brendan Kennedy', written in a cursive style.

To whom it may concern,

The criteria for the granting of a variance for 603 North St is as follows.

Section 1. The lot size and more specifically the narrowness of the lot creates a physical condition that makes it unfeasible to make any realistic improvements to the building . While there are other non-conforming buildings in the area, this property is quite unique in the physical circumstances created by the site conditions. No hardship has been created by the owner, and the requested improvements simply allow the house to be utilized in a practical and functional way.

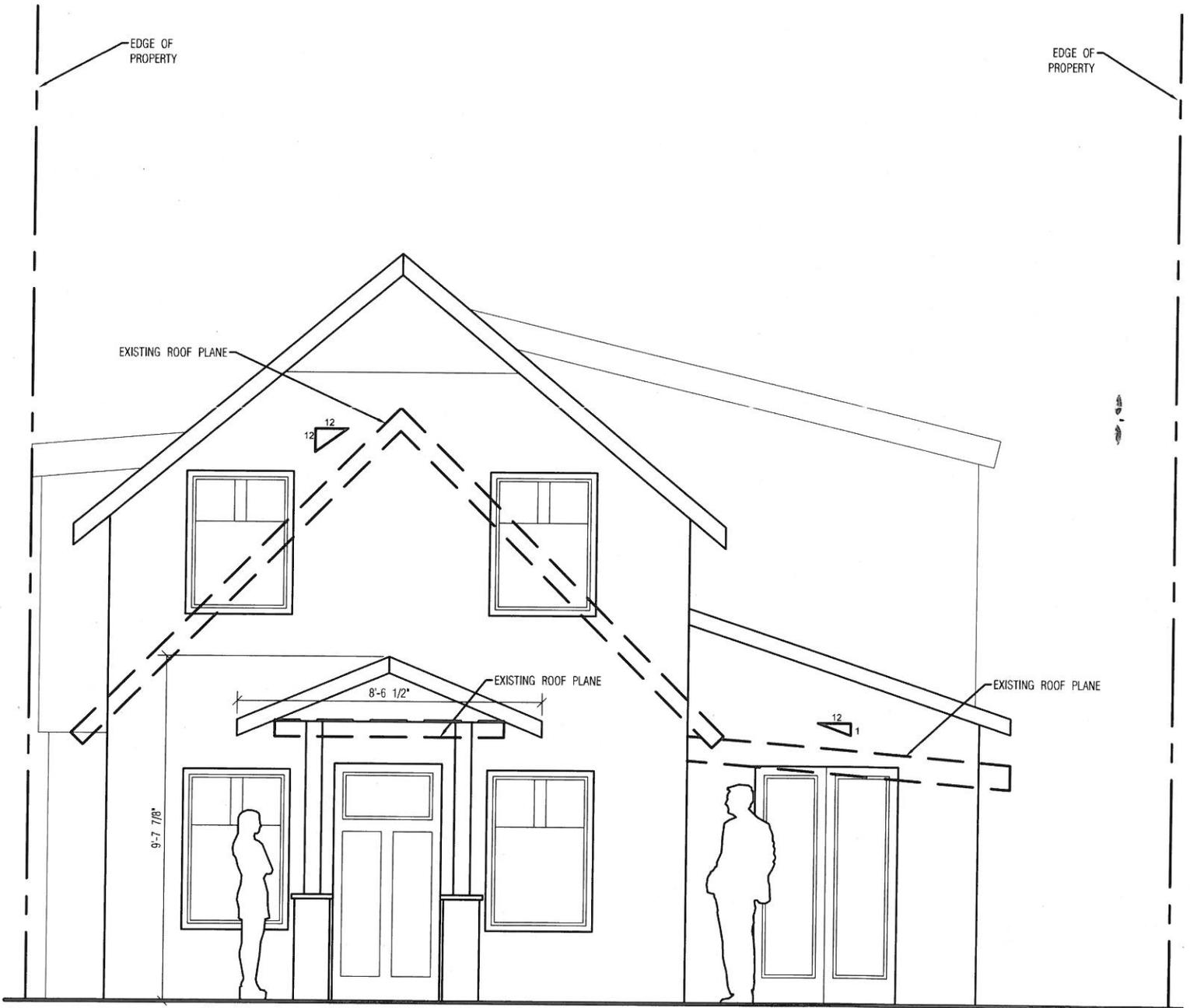
Sections 2-4. This is not a historic property, nor are there any energy or solar issues.

Section 5. The requested improvements would not alter the character of the neighborhood, in fact it probably adds to the quality of the neighborhood. It also does not adversely affect any neighbors as we are not enlarging the footprint of the current building. We are asking for the minimum amount of modification to the existing setbacks to achieve the basic improvements of functionality and use on the interior of the house. We are also trying to avoid demolishing the house as this might have more potential for adverse impacts on the neighborhood and adjacent neighbors. Preserving the historic nature of the house is also an important factor in pursuing the functional goals of the project thru the variance review process.

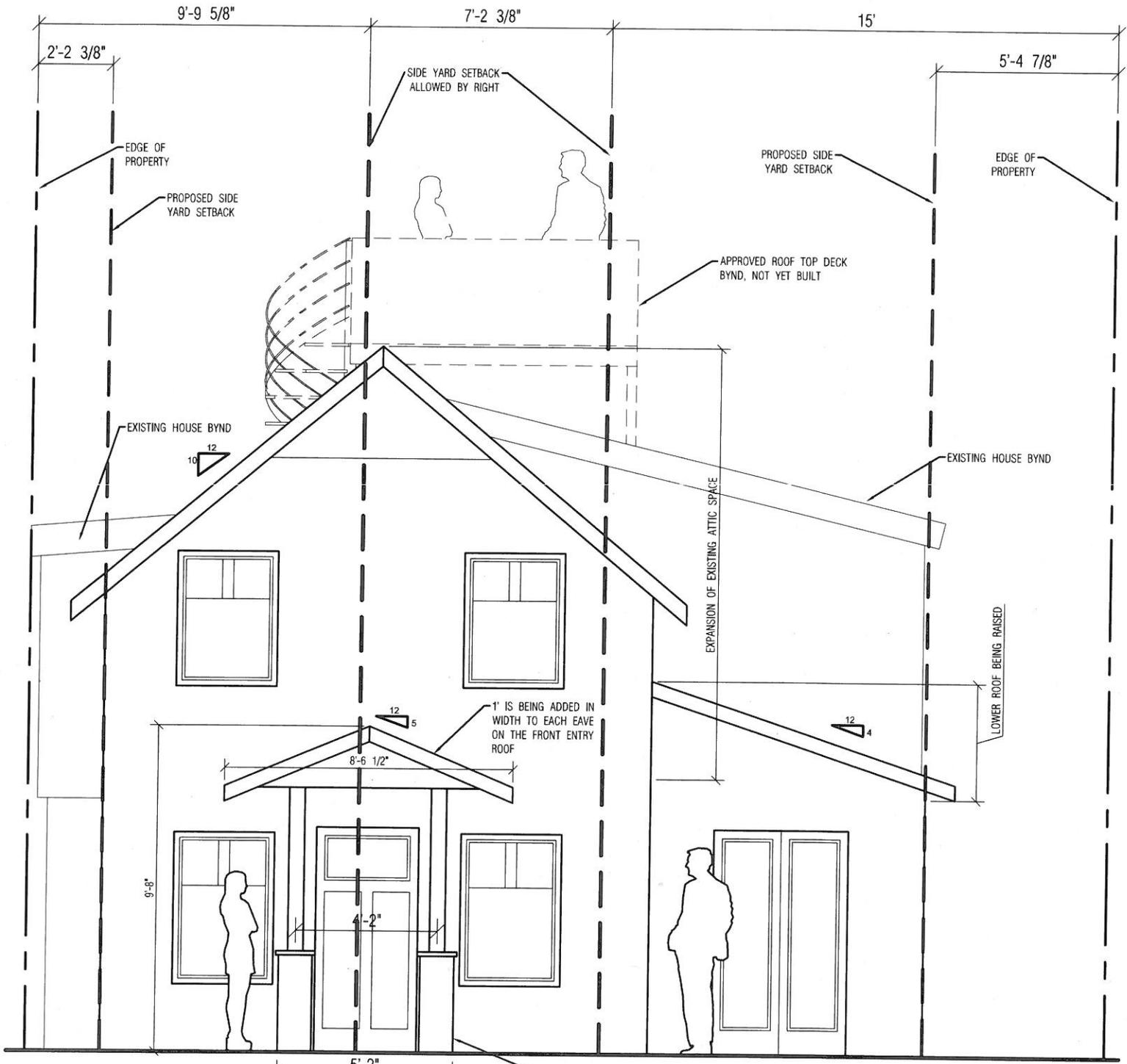
Thank you for your consideration,

Sincerely, Brendan Kennedy (Architect)
 Richard Roosen (Owner)

12/2/2014

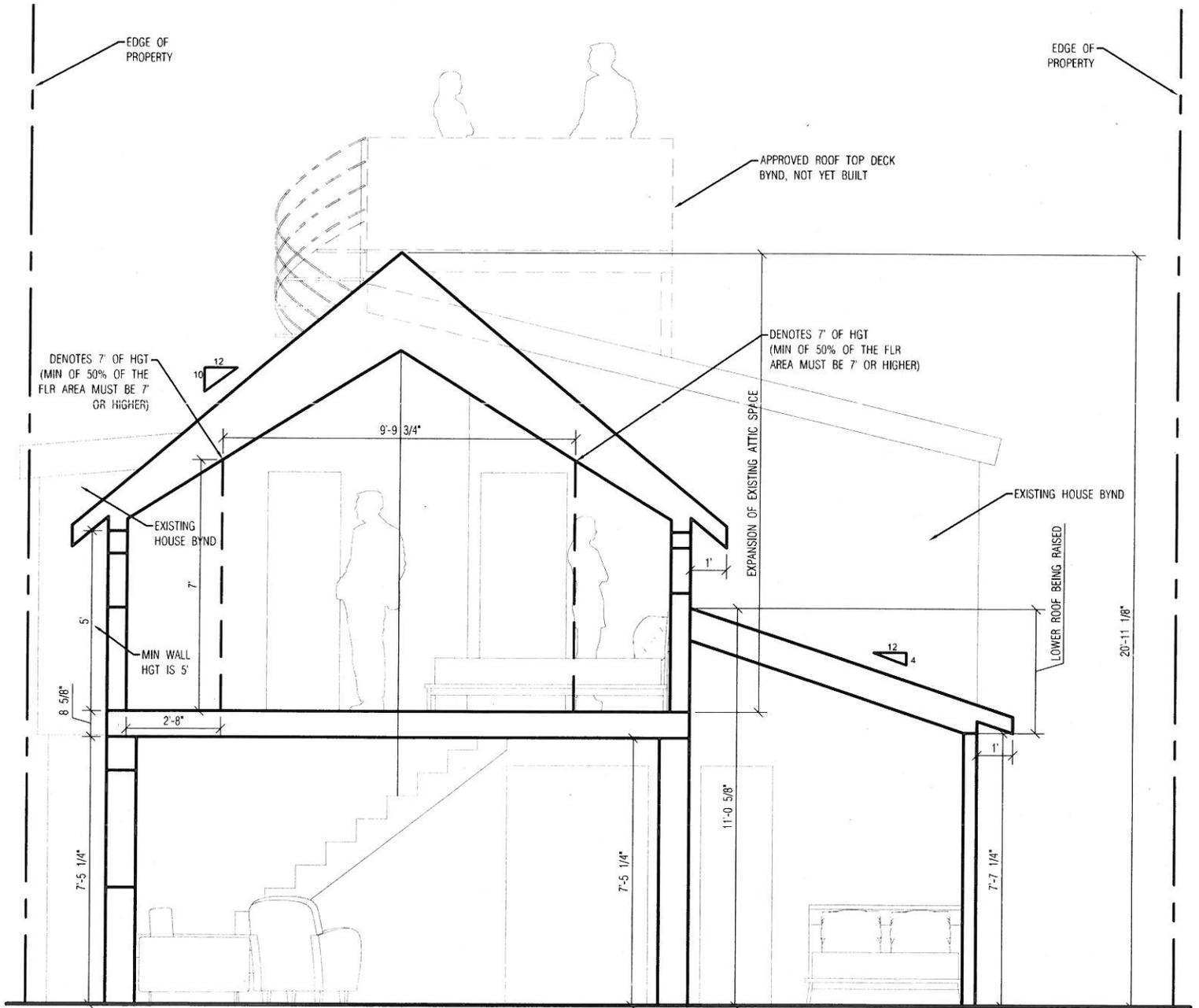


1 FRONT OF HOUSE ELEVATION - EXISTING ROOF PLANES
 SCALE 1/4"=1'-0"



2 FRONT OF HOUSE ELEVATION
SCALE 1/4"=1'-0"

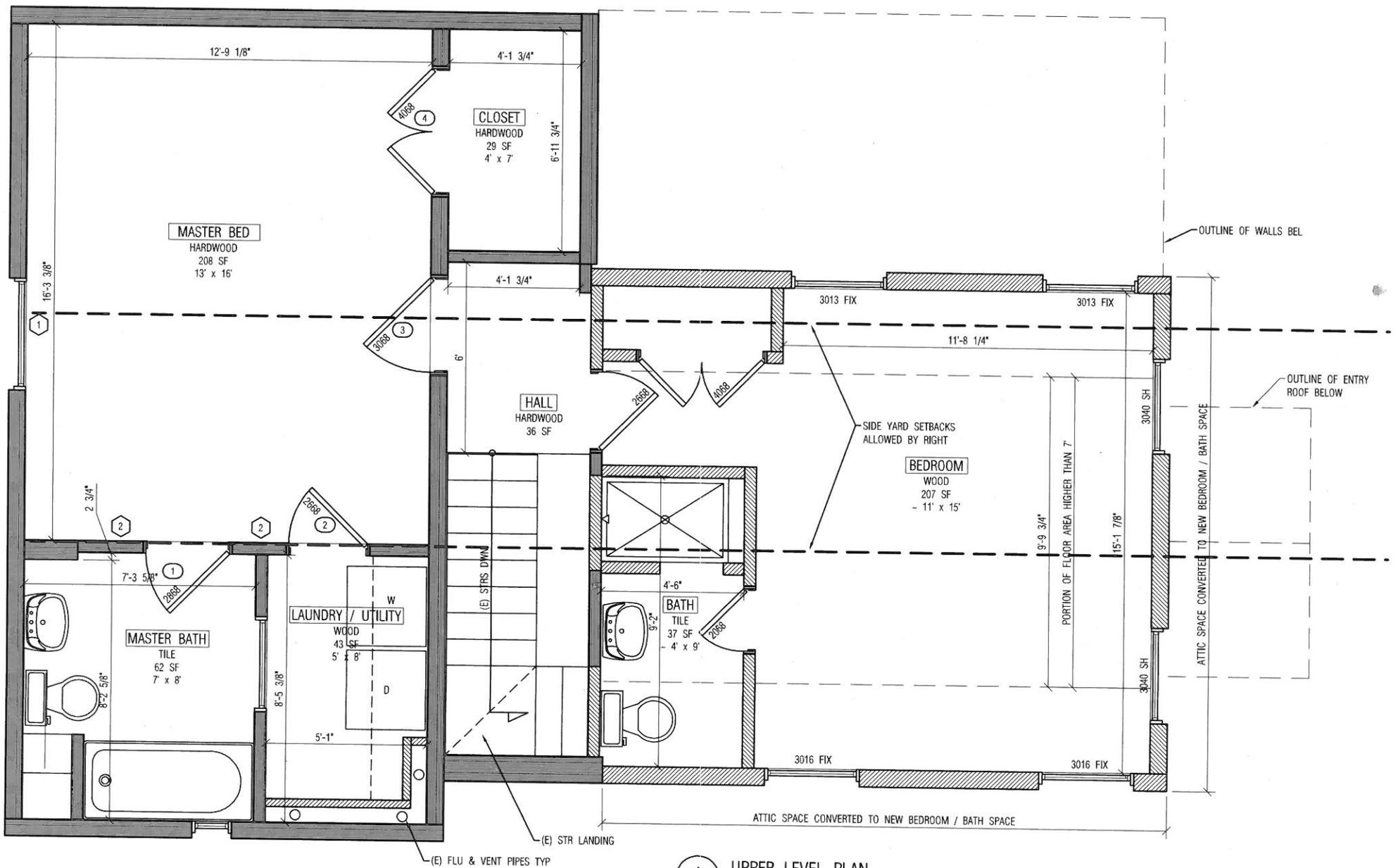
POSTS HAVE SLIGHTLY WIDER SPACING FOR THE 3' W FRONT DOOR PLUS THE WIDTH OF THE MASONRY BASE



3 FRONT OF HOUSE SECTION
SCALE 1/4"=1'-0"







1 UPPER LEVEL PLAN
SCALE 3/8"=1'-0"



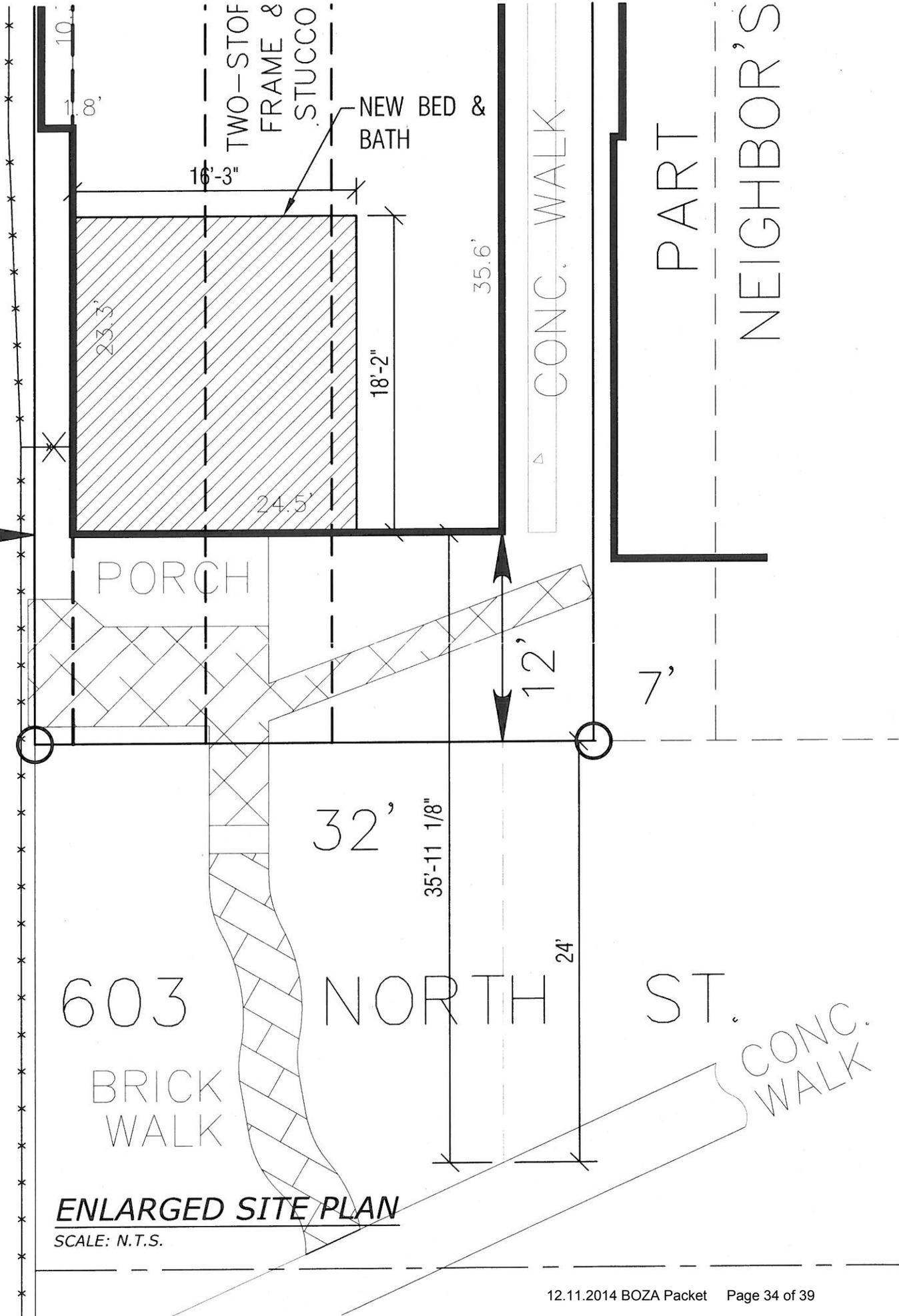






LLS -
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2'

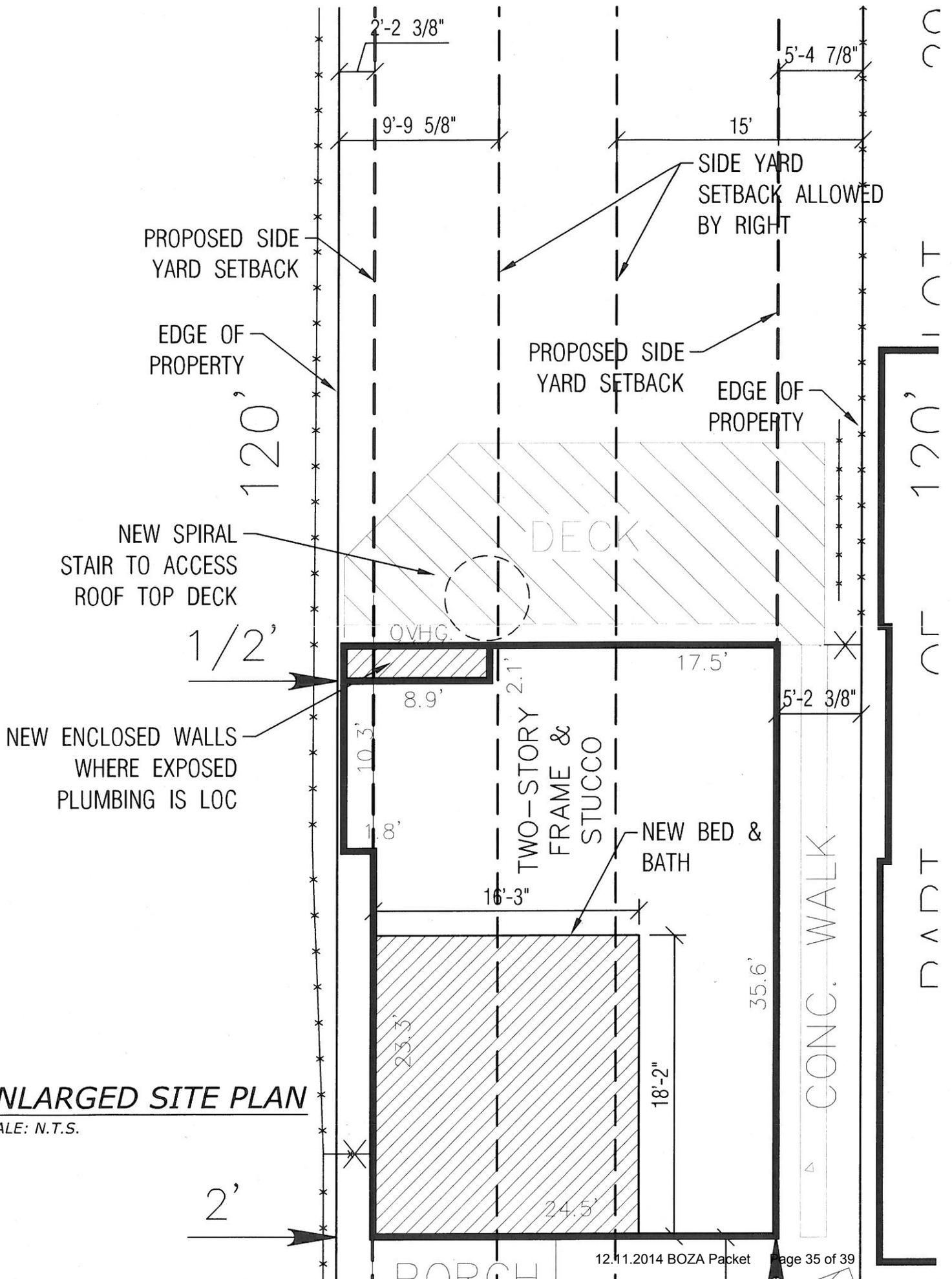


ENLARGED SITE PLAN

SCALE: N.T.S.

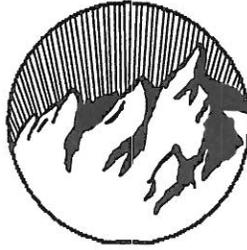
ENLARGED SITE PLAN

SCALE: N.T.S.

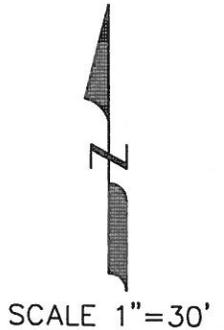
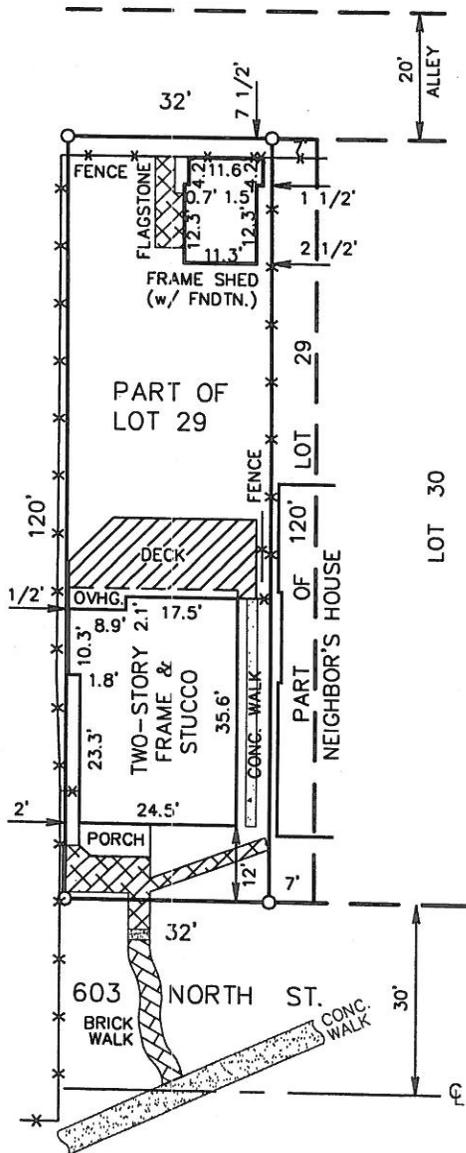


LEGAL DESCRIPTION
(provided by CLIENT)

THE WEST 32' OF LOT 29,
BLOCK 2,
NEIKIRK-STEWART ADDITION,
COUNTY OF BOULDER,
STATE OF COLORADO.



Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, Ste 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com



Notes:

- 1-THESE CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS SURVEYING, INC. TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OR RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.
- 2-AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATION OF THE IMPROVEMENTS SHOWN HEREON.
- 3-THE FENCES ARE NOT COINCIDENT WITH THE SOUTHERLY AND WESTERLY LOT LINES AS SHOWN HEREON.
- 4-THESE CERTIFICATE IS BASED UPON PLATTED RIGHTS OF WAY AND OCCUPATION LINES IN THE AREA.

John B. Guyton
John B. Guyton, Colorado L.S. #16406
5/22/14

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for SKY HOOK DESIGN, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. This certificate is valid only for use by SKY HOOK DESIGN and describes the parcel's appearance on MAY 13, 2014. I further certify that the improvements on the above described parcel on this date, MAY 22, 2014, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

NOTICE: This Improvement Location Certificate is prepared for the sole purpose of use by the parties stated hereon. The use of this Improvement Location Certificate by any person or entity other than the person or entity certified to without the express permission of Flatirons, Inc. is prohibited. This certificate is only valid for 90 days from the signature date. It is not a Land Survey Plat as defined by C.R.S 38-51-102(12) or an Improvement Survey Plat as defined by C.R.S 38-51-102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatirons, Inc. and John B. Guyton will not be liable for more than the cost of this Improvement Location Certificate, and then only to the parties specifically shown hereon. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes acknowledgment and agreement to all terms stated hereon.

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
September 11, 2014, 5 p.m.
1777 Broadway, Council Chambers

Board Members Present: Ellen McCready, Michael Hirsch, Christopher Lane, David Schafer, Thom Ward

Board Members Absent:

City Attorney Representing Board: Erin Poe

Staff Members Present: Brian Holmes, Robbie Wyler, Susan Meissner

1. CALL TO ORDER:

E. McCready called the meeting to order at 5:07 p.m.

2. BOARD HEARING:

Docket No.: BOZ2014-10

Address: 603 North Street

Applicant: Richard Roosen

Setback Variance: (*Continuance From July 10, 2014 Meeting*) As part of a proposal to construct a rooftop deck and adjoining spiral staircase to an existing single family residence, the applicant is requesting a variance to the combined side yard setback requirements of the RMX-1 zoning. The resulting west side yard setback will be approximately 6.5 feet where 9.81 feet is required and ½ a foot exists today. The resulting east side yard setback will be approximately 14 feet where 14.5 feet is required and 5.19 feet exists today. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

R. Wyler presented the item

Applicant Presentation:

Brendan Kennedy and Richard Roosen, the applicant, presented to the board.

Motion:

On a motion by T. Ward, seconded by M. Hirsch, the Board of Zoning Adjustment voted 5-0 to approve the application (Docket BOZ2014-00010) as submitted and presented.

Docket No.: BOZ2014-12

Address: 110 South 31st Street

Applicant: Robert Story and Kelly Shanafelt

Variance to Parking Spaces in Front Yard Setbacks: As a proposal to construct a 495 sq. ft. addition to an existing 1,313 sq. ft. residence (including area associated with converted garage), the applicants are requesting to vary the requirements of Section 9-9-6, "Parking Standards", to allow for the required off-street parking space to be located within the front yard setback. Section of the Land Use Regulations to be varied: Section 9-9-6, B.R.C. 1981.

Staff Presentation:

B. Holmes presented the item

Applicant Presentation:

Kelly Shannafelt, the applicant, presented to the board.

Motion:

On a motion by **C. Lane**, seconded by **D. Schafer**, the Board of Zoning Adjustment voted 4-1 (**T. Ward** opposed) to approve the application (Docket BOZ2014-00012) as submitted and presented.

Docket No.: BOZ2014-14

Address: 2303 Mapleton Avenue

Applicant: Douglas Johnson & Theresa Hernandez

Setback Variance: As part of a proposal to construct a rear entry roof and columns over an existing landing to a single family residence, the applicant is requesting a variance to the rear yard setback requirements of the RMX-1 zoning. The resulting rear (north) yard setback will be approximately 11.5 feet where 25 feet is required and 16.83 feet exists today. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

B. Holmes presented the item

Applicant Presentation:

Douglas Johnson, the applicant, presented to the board.

Motion:

On a motion by **M. Hirsch**, seconded by **T. Ward**, the Board of Zoning Adjustment voted 5-0 to approve the application (Docket BOZ2014-00014) as submitted and presented.

Docket No.: BOZ2014-15

Address: 1612 Mapleton

Applicant: William Spencer and Michael Keaney

Setback Variance: As part of a proposal to modify an existing shed roof at the rear of the single family dwelling, the applicants are requesting a variance to both the interior side yard and combined side yard setback requirements of the RMX-1 zoning. The resulting east side yard setback will be approximately 1.8 feet where 5 feet is required and where 1.8 feet exists today. The resulting combined side yard setback will be approximately 9.6 feet where 15 feet is required and where 9.6 feet exists today. Section of the Land Use Regulations to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:

B. Holmes presented the item

Applicant Presentation:

David Waa, the architect, and **William Spencer**, the owner, presented to the board.

Motion:

On a motion by **D. Schafer**, seconded by **E. McCready**, the Board of Zoning Adjustment voted 5-0 to approve the application (Docket BOZ2014-00015) as submitted and presented.

3. GENERAL DISCUSSION:

A. Approval of Minutes:

On a motion by **E. McCready**, seconded by **C. Lane**, the Board of Zoning Adjustment voted 5-0 to approve the August 14, 2014 minutes.

B. Matters from Staff

Staff will schedule a retreat for October.

C. Matters from the Board

The board expressed interest in having a retreat to discuss their annual letter to City Council.

D. Matters from the City Attorney

Tom Carr will attend the next several meetings in **E. Poe's** absence.

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 7:04 P.M.

APPROVED BY

DATE
